



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: E. BOMBARDELLI et al.

Application No.: 10/019,252

Group Art Unit: 1626

Filed: December 28, 2001

Examiner: K. Saeed

For: TAXANE DERIVATIVES AND PROCESS
FOR THE PREPARATION THEREOF

Attorney Docket No.: 7914-085

RESPONSE TO RESTRICTION REQUIREMENT

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

OCT 29 2003

TECH CENTER 1600/2900

Sir:

This is in response to the Office Action dated September 9, 2003 in which the application was examined for restriction purposes only.

Applicant respectfully requests entry of the following remarks and provisional election.

REMARKS

The Examiner required restriction between Group I, claims 11, 32, 33, and 45, drawn to compounds, compositions and methods of use of compounds of Formula I; Group II, claim 12, drawn to a process of preparing compounds of Formula I; Group III, claims 13 and 14, drawn to a second process of preparing compounds of Formula I; Group IV, claims 15-22, drawn to a process of preparing intermediate compound compounds; Group V, claims 23-30, drawn to a second process of preparing intermediate compound compounds; Group VI, claims 31 and 44, drawn to oxazolidine derivatives and the process of making thereof; Group VII, claims 34 and 35, drawn to a product recited in claims 34 and 35; Group VIII, claims 36 and 37, drawn to a product recited in claims 36 and 37; Group IX, claims 38 and 39, drawn to a product recited in claims 38 and 39; Group X, claims 40 and 41, drawn to a product recited in claims 40 and 41; and Group XI, claims 42 and 43, drawn to a product recited in claims 42 and 43.

Applicant respectfully elects the claims of Group I, claims 11, 32, 33, and 45, with traverse.

The Examiner has restricted the claims under the provisions of PCT Rule 13. Applicants respectfully disagree with the Examiner's interpretation of PCT Rule 13. Applicants direct the Examiner's attention to the interpretation of PCT Rule 13 as provided in PCT Gazette, Special Issue No. 24/1996 ("PCT Gazette," copy attached hereto), published by the International Bureau of the World Intellectual Property Organization. Applicant specifically notes that the PCT Gazette provides that "in addition to an independent claim for